

By: McClendon, Thompson

H.B. No. 3324

A BILL TO BE ENTITLED

AN ACT

relating to the operations and monitoring of fusion centers in this state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 421.001, Government Code, is amended by adding Subdivisions (2-a), (4), and (5) to read as follows:

(2-a) "Fusion center" means a state or regional multidisciplinary collaborative effort of two or more agencies that combine resources, expertise, and intelligence and other information with the goal of maximizing the ability of those agencies to detect, prevent, and respond to criminal activities or to otherwise engage in homeland security activities.

(4) "Intelligence" means the product of systematic gathering, evaluation, and synthesis of raw data on individuals or activities suspected of being, or known to be, criminal in nature.

(5) "Recognized fusion center" means a fusion center operating in this state that has been recognized by the secretary of homeland security as meeting the fusion center mission identified in the governor's homeland security strategy and in the Department of Homeland Security State, Local, and Regional Fusion Center Initiative established under 6 U.S.C. Section 124h.

SECTION 2. Section 421.002(b), Government Code, is amended to read as follows:

(b) The governor's homeland security strategy shall

1 coordinate homeland security activities among and between local,
2 state, and federal agencies and the private sector and must include
3 specific plans for:

4 (1) intelligence gathering and analysis;

5 (2) information sharing;

6 (3) reducing the state's vulnerability to homeland
7 security emergencies;

8 (4) protecting critical infrastructure;

9 (5) protecting the state's international border,
10 ports, and airports;

11 (6) detecting, deterring, and defending against
12 terrorism, including cyber-terrorism and biological, chemical, and
13 nuclear terrorism;

14 (7) positioning equipment, technology, and personnel
15 to improve the state's ability to respond to a homeland security
16 emergency;

17 (8) directing the Texas Fusion [~~Infrastructure~~
18 ~~Protection Communications~~] Center and giving the center certain
19 forms of authority to implement the governor's homeland security
20 strategy; and

21 (9) using technological resources to:

22 (A) facilitate the interoperability of
23 government technological resources, including data, networks, and
24 applications;

25 (B) coordinate the warning and alert systems of
26 state and local agencies;

27 (C) incorporate multidisciplinary approaches to

1 homeland security; and

2 (D) improve the security of governmental and
3 private sector information technology and information resources.

4 SECTION 3. Section 421.071, Government Code, is amended to
5 read as follows:

6 Sec. 421.071. COOPERATION AND ASSISTANCE. A state or local
7 agency that performs a homeland security activity or a
8 nongovernmental entity that contracts with a state or local agency
9 to perform a homeland security activity shall cooperate with and
10 assist the office of the governor, the Homeland Security Council,
11 the Texas Fusion [~~Infrastructure Protection Communications~~]
12 Center, and the National Infrastructure Protection Center in the
13 performance of their duties under this chapter and other state or
14 federal law.

15 SECTION 4. Section 421.082(b), Government Code, is amended
16 to read as follows:

17 (b) The center's duties include:

18 (1) promotion of emergency preparedness;

19 (2) receipt and analysis of information, assessment of
20 threats, and issuance of public warnings related to homeland
21 security emergencies; ~~and~~

22 (3) authorization and facilitation of cooperative
23 efforts related to emergency response and recovery efforts in the
24 event of a homeland security emergency; and

25 (4) making recommendations to the Department of Public
26 Safety regarding the monitoring of fusion centers operating in this
27 state and regarding the functions of the Texas Fusion Center Policy

1 Council created under Section 421.083.

2 SECTION 5. Subchapter E, Chapter 421, Government Code, is
3 amended by adding Sections 421.083, 421.084, and 421.085 to read as
4 follows:

5 Sec. 421.083. TEXAS FUSION CENTER POLICY COUNCIL. (a) The
6 Department of Public Safety shall create the Texas Fusion Center
7 Policy Council and the bylaws for the council to assist the
8 department in monitoring fusion center activities in this state.

9 (b) The policy council is composed of one executive
10 representative from each recognized fusion center operating in this
11 state.

12 (c) The policy council shall:

13 (1) develop and disseminate strategies to:

14 (A) facilitate the implementation of applicable
15 federal standards and programs on a statewide basis by each fusion
16 center operating in this state;

17 (B) expand and enhance the statewide
18 intelligence capacity to reduce the threat of terrorism and
19 criminal enterprises; and

20 (C) continuously review critical issues
21 pertaining to homeland security activities;

22 (2) establish a privacy advisory group, with at least
23 one member who is a privacy advocate, to advise the policy council
24 and to meet at the direction of the policy council; and

25 (3) recommend best practices for each fusion center
26 operating in this state, including:

27 (A) best practices to ensure that the center

adheres to state and federal laws designed to protect privacy and the other legal rights of individuals; and

(B) best practices for the smooth exchange of information among all fusion centers operating in this state.

Sec. 421.084. FUSION CENTERS OPERATING IN THIS STATE: RULES AND MONITORING. (a) After considering the recommendations of the Texas Fusion Center under Section 421.082(b)(4) and the Texas Fusion Center Policy Council under Section 421.083(c)(3), the Department of Public Safety shall adopt rules to govern the operations of fusion centers in this state, including guidelines to:

(1) establish a common concept of operations for any fusion center operating in this state, in order to provide clear baseline standards for each aspect of the center's activities;

(2) inform and define the monitoring of those activities by the Texas Fusion Center Policy Council; and

(3) ensure that any fusion center operating in this state adheres to state and federal laws designed to protect privacy and the other legal rights of individuals, including laws that provide clear standards for the treatment of intelligence and for the collection and storage of noncriminal information, personally identifiable information, and protected health information.

(b) The department may require that a fusion center audited under applicable department rules pay any costs incurred by the policy council in relation to the audit.

(c) A member of the policy council may not receive compensation but is entitled to reimbursement for the member's

1 travel expenses as provided by Chapter 660 and the General
2 Appropriations Act.

3 (d) A fusion center may not receive state grant money if the
4 center adopts a rule, order, ordinance, or policy under which the
5 center fails or refuses to comply with rules adopted by the
6 Department of Public Safety under Subsection (a), beginning with
7 the first state fiscal year occurring after the center adopts the
8 rule, order, ordinance, or policy.

9 Sec. 421.085. REPORT. The Texas Fusion Center Policy
10 Council annually shall submit to the governor and to each house of
11 the legislature a report that contains, with respect to the
12 preceding year:

13 (1) the council's progress in developing and
14 coordinating the statewide fusion effort and intelligence network
15 described by the governor's homeland security strategy;

16 (2) the progress made by fusion centers operating in
17 this state in meeting the fusion center guidelines developed under
18 the Department of Homeland Security State, Local, and Regional
19 Fusion Center Initiative established under 6 U.S.C. Section 124h;
20 and

21 (3) a summary of fusion center audits or reviews
22 conducted under applicable rules adopted by the Department of
23 Public Safety.

24 SECTION 6. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2011.